U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

DERRICK DAVIS (DOC #126965) **CIVIL DOCKET NO. 1:08-cv-00938; SEC. P**

-vs- **JUDGE DRELL**

WINN CORRECTIONAL CENTER, et al. **MAGISTRATE JUDGE KIRK**

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein and after a de nono review of the record, including the objections filed by the plaintiff, having determined that the findings and recommendations are, in part, correct under the applicable law, and in accordance with the Memorandum Ruling today;

IT IS ORDERED that those claims regarding the alleged improper administration of penicillin in Plaintiff's civil rights complaint be and is hereby DENIED and DISMISSED WITH PREJUDICE as frivolous and for failure to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(b). Plaintiff's claims regarding failure to provide adequate medical treatment are, for the present, preserved.

THUS DONE AND SIGNED in Chambers at Alexandria, Louisiana, on March 25, 2009.

DEE D. DRELL
UNITED STATES DISTRICT JUDGE